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AUTHORITY: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

SOURCE: 61 FR 32540, June 24, 1996, unless otherwise noted.

### **Subpart A—General**

#### **§ 600.5 Purpose and scope.**

(a) This part contains general provisions governing the operation of the eight Regional Fishery Management Councils established by the Magnuson-Stevens Act and describes the Secretary's role and responsibilities under the Act. The Councils are institutions created by Federal law and must conform to the uniform standards established by the Secretary in this part.

(b) This part also governs all foreign fishing under the Magnuson-Stevens Act, prescribes procedures for the conduct of preemption hearings under section 306(b) of the Magnuson-Stevens Act, and collects the general provisions common to all domestic fisheries governed by this chapter.

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(c) This part also governs fishing capacity reduction programs under the Magnuson-Stevens Act.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 65 FR 31443, May 18, 2000]

### § 600.10 Definitions.

Unless defined otherwise in other parts of Chapter VI, the terms in this chapter have the following meanings:

*Administrator* means the Administrator of NOAA (Under Secretary of Commerce for Oceans and Atmosphere) or a designee.

*Advisory group* means a Scientific and Statistical Committee (SSC), Fishing Industry Advisory Committee (FIAC), or Advisory Panel (AP) established by a Council under the Magnuson-Stevens Act.

*Agent*, for the purpose of foreign fishing (subpart F), means a person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States to an owner and/or operator of a vessel operating under a permit and of any other vessel of that Nation fishing subject to the jurisdiction of the United States. Any diplomatic official accepting such an appointment as designated agent waives diplomatic or other immunity in connection with such process.

*Aggregate or summary form* means confidential data structured in such a way that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.

*Albacore* means the species *Thunnus alalunga*, or a part thereof.

*Allocated species* means any species or species group allocated to a foreign nation under § 600.517 for catching by vessels of that Nation.

*Allocation* means direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.

*Allowable chemical* means a substance, generally used to immobilize marine life so it can be captured alive, that, when introduced into the water, does not take Gulf and South Atlantic prohibited coral (as defined at 50 CFR 622.2) and is allowed by Florida or Ha-

waii or the U.S. Pacific Insular Area for the harvest of tropical fish.

*Anadromous species* means species of fish that spawn in fresh or estuarine waters of the United States and that migrate to ocean waters.

*Angling* means fishing for, attempting to fish for, catching or attempting to catch fish by any person (angler) with a hook attached to a line that is hand-held or by rod and reel made for this purpose.

*Area of custody* means any vessel, building, vehicle, live car, pound, pier or dock facility where fish might be found.

*Assistant Administrator* means the Assistant Administrator for Fisheries, NOAA, or a designee.

*Atlantic tunas* means bluefin, albacore, bigeye, skipjack, and yellowfin tunas found in the Atlantic Ocean.

*Atlantic Tunas Convention Act* means the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971h.

*Authorized officer* means:

(1) Any commissioned, warrant, or petty officer of the USCG;

(2) Any special agent or fishery enforcement officer of NMFS;

(3) Any officer designated by the head of any Federal or state agency that has entered into an agreement with the Secretary and the Commandant of the USCG to enforce the provisions of the Magnuson-Stevens Act or any other statute administered by NOAA; or

(4) Any USCG personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

*Authorized species* means any species or species group that a foreign vessel is authorized to retain in a joint venture by a permit issued under Activity Code 4 as described by § 600.501(c).

*Automatic reel* means a reel that remains attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel electrically or hydraulically.

*Bandit gear* means vertical hook and line gear with rods that are attached to the vessel when in use. Lines are retrieved by manual, electric, or hydraulic reels.